

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BARBARA DAVIS,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,
et al.,

Defendants.

CASE NO. C16-5783-RBL

ORDER ON MOTION TO CHANGE
VENUE

[Dkt. #46]

THIS MATTER is before the Court upon receipt of Defendant Riverside's Reply [Dkt. #64] in support of its Motion to Change Venue to the Eastern District [Dkt. #46]. In an Order addressing three other pending motions in this case, the Court denied the Motion before the Reply was due or filed. It determined that the plaintiff's choice of venue was entitled to deference, even though the "center of gravity" of the case was in the Eastern District. *See* factors outlined in *Jones v. GNC Franchising, Inc.*, 211 F.3d 495, 498 (9th Cir. 2000).

Riverside's Reply argues persuasively that (1) there is no evidence that Davis resides in the Western District or that she had any contact with G.B. or any defendant here, and (2) to the extent they are in dispute, the remaining factors overwhelmingly weigh in favor of transfer. It

1 emphasizes that it disputes the plaintiff's characterization of G.B.'s death as a murder, and the
2 witnesses on this core allegation all reside in the Eastern District; indeed, they demonstrate that
3 26 of 30 individual defendants reside in the Eastern District. Davis has not identified any witness
4 who resides in the Western District.

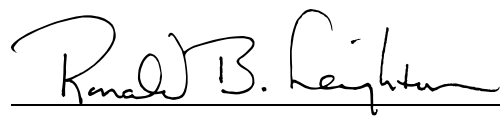
5 Riverside persuasively argues that the plaintiff's choice of forum is not entitled to
6 deference where the operative facts did not occur there, and where the chosen forum has no
7 particular interest in the parties or the subject matter. *See Pacific Car & Foundry Co. v. Pierce*,
8 403 F.2d 949, 954 (9th Cir. 1968), *Lou v. Belzberg*, 834 F.2d 730, 739 (9th Cir. 1987). Under
9 these circumstances, a plaintiff's choice of forum is not entitled to so much deference that it
10 outweighs the remaining factors.

11 The Court's prior Order [Dkt. #61] is **VACATED** to the extent it denied the Motion to
12 Change Venue. The remainder of that Order is unchanged.

13 The Motion to Change Venue [Dkt. #46] is **GRANTED** and the Clerk shall **TRANSFER**
14 this case to the Eastern District of Washington.

15 IT IS SO ORDERED.

16 Dated this 3rd day of February, 2017.

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19 Ronald B. Leighton
20 United States District Judge
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